

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TANNER W. ROTH, et al.,

Plaintiffs,

vs.

**LLOYD J. AUSTIN, III, In his official
capacity as United States Secretary of
Defense, et al.,**

Defendants.

8:22CV3038

SCHEDULING ORDER

IT IS ORDERED:

- 1) The parties shall review the Nebraska magistrate judges' practices posted at the court's [Civil Case Management](https://www.ned.uscourts.gov/attorney/judges-information/civil-case-management) website page.¹
- 2) Counsel for the parties shall confer and, on or before **September 22, 2022**, they shall jointly file a Rule 26(f) Report, a copy of which can be found at <http://www.ned.uscourts.gov/forms>.² Unless the parties agree otherwise, Plaintiff(s) shall prepare the initial draft of the Report and then forward it to Defendant(s) for further additions or revisions.
- 3) On or before **September 15, 2022**, a party shall contact the chambers of the undersigned magistrate judge to set a conference call if:
 - a. One or more of the parties believes a planning conference is needed to complete the Rule 26(f) Report; or
 - b. The parties cannot agree on one or more of the deadlines identified or case progression issues raised in the Rule 26(f) Report; or

¹(<https://www.ned.uscourts.gov/attorney/judges-information/civil-case-management>).

² See <https://www.ned.uscourts.gov/forms>. The parties are hereby notified or reminded that the Rule 26(f) Report for civil cases pending in the District of Nebraska has been substantially modified, with an effective date of June 11, 2020.

DO NOT use prior versions of this report.

At the civil bar's request, the court created a [Rule 26 Report Calculator](#) for generating proposed dates to complete the Rule 26(f) Report. This online tool was designed to offer insight on how cases are typically progressed in the District of Nebraska. It does not replace the need for counsel to decide what is reasonable and appropriate in a specific case.

- c. The parties are currently and actively pursuing settlement and believe preparing and filing a Rule 26(f) Report may be unnecessary.
- 4) Mandatory disclosures shall be served on or before **September 22, 2022**.

Dated this 22nd day of August, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge